

Appl. No. 09/972,287
Amtd. dated February 4, 2004
Reply to Office Action of November 6, 2003

REMARKS

This Amendment is submitted in response to the Office Action mailed November 6, 2003. At that time, claims 1-4 and 7-32 were pending in the application. In the Office Action, the Examiner indicated that claims 17 and 31 contained allowable subject matter. However, claims 1-4, 8, 9, 11, 15, 18-24, 29 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,794,968 to Yamamoto et al. (hereinafter “Yamamoto”). Claims 8, 17, and 23 were further rejected under 35 U.S.C. §112.

By this Amendment, claims 1, 8, 17, 18, 23, and 32 have been amended. The specification has been amended for grammatical purposes. Accordingly, claims 1-4 and 7-32 are presented for reconsideration by the Examiner.

REJECTION OF CLAIMS 8, 17, AND 23 UNDER 35 U.S.C. §112

The Examiner rejected claims 8, 17, and 23 under 35 U.S.C. §112, second paragraph. *See* Office Action, page 2. By this paper, claims 8, 17, and 23 have been amended to address these issues. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

REJECTION OF CLAIMS 1-4, 8, 9, 11, 15, 18-24, 29, AND 32 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-4, 8, 9, 11, 15, 18-24, 29, and 32 under 35 U.S.C. §102(b) as being anticipated by Yamamoto. *See* Office Action, page 2. The Applicants respectfully traverse this rejection.

Claims 1-4, 8, 9, 11, 15, and 32

It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be

shown in as complete detail as is contained in the ... claim.” MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As a result of this paper, claims 1-4, 8, 9, 11, 15, and 32 include the limitation that the Z-height control tab engages the top edge of the skirt. Support for this limitation can be found in the specification and figures, including Figures 1-2 and page 9, line 23 to page 10, line 3. The top edge of the skirt is labeled as reference numeral (56) on Figure 1, and represents the thin peripheral edge of the skirt furthest away from the back surface (24) of the airbag module cover (20). *See Figures 1 and 2.* By engaging the top edge of the skirt, the Z-height control tab (10) prevents the reaction housing (12) from sinking below the top of the skirt wall (56) during a compressive load.

Such a limitation is not taught or disclosed by Yamamoto. According to the Examiner’s interpretation of Yamamoto, the rear securing piece portion (82a) acts as a Z-height control tab and engages the rear side wall (52) which acts as the skirt. However, the rear securing piece portion (82a) engages the rear side wall (52) in a securing groove (52a). *See Yamamoto, Figures 6 and 8.* The securing groove (52a) is located in a middle portion of the rear side wall (52) next to the module cover (13). The securing groove (52a) is not a top or peripheral edge of the skirt furthest away from the back surface of the cover (13).

Moreover, the rear securing piece portion (82a) of Yamamoto is hook-shaped. It is not “aligned generally parallel to a plane extending across the reaction surface.” Rather, the rear securing piece portion (82a) has two components that extend *perpendicular* to the reaction surface. *See Yamamoto, Figure 8.* The hook-like nature of the rear securing piece portion protects against tensile loads, while the Z-height control tab of the present invention protects against compressive loads. *See Application, page 6, lines 9-11.* Consequently, Yamamoto does not disclose a Z-height control tab parallel to a plane extending across the reaction surface.

As Yamamoto does not disclose a Z-height control tab engaging the top edge of a skirt and it does not disclose a Z-height control tab parallel to the reaction surface, Yamamoto does not

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anticipate claims 1-4, 8, 9, 11, 15, and 32 under §102(b). Withdrawal of this rejection is respectfully requested.

Claims 18-24, 29, and 32

As noted above, anticipation under §102(b) requires that each and every claim limitation be disclosed by the prior art reference. MPEP §2131. As a result of this paper, claims 18-24, 29, and 32 include the limitation that the reaction housing (12) and cover (20) engage each other along a line perpendicular to the reaction surface (28). *See Application, Figures 1-2.*

Such a limitation is not taught or disclosed by Yamamoto. The Examiner has interpreted Yamamoto's rear securing piece portion (82a) to be a Z-height control tab. *See Office Action, page 2.* However the rear securing piece portion (82a) is actually a hook. *See Yamamoto, Figure 8.* As such, the bag holder (16) cannot engage the cover (13) along a line perpendicular to the bag holder surface. Rather the two components must be rotatably engaged as described in conjunction with Figure 8 of Yamamoto:

Then, as shown in FIG. 8, the rear securing piece portion 82a of the rear vertical wall 82 is inserted into and secured to the rear securing groove 52a of the rear side wall 52...Using the thus secured portion as a fulcrum, the bag holder 16 is rotated upwardly as indicated by the arrow in FIG. 8.

Yamamoto, column 6, lines 6-8, 17-19 (emphasis added).

Furthermore, as mentioned above, Yamamoto does not teach a Z-height control tab parallel to a plane extending across the reaction surface. The arguments discussed above in conjunction with this limitation are incorporated herein.

As Yamamoto does not disclose that the reaction housing and cover engage each other along a line perpendicular to the reaction surface, and does not teach a Z-height control tab parallel to the reaction surface, Yamamoto cannot anticipate claims 18-24, 29, and 32 under §102(b). Withdrawal of this rejection is respectfully requested.

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CONCLUSION

Applicants respectfully assert that claims 1-4 and 7-32 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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